

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HERBERT A. REITZEL, On Behalf  
of Himself and All Others Similarly  
Situating,

Plaintiff,

v.

NETWORK ENGINES, INC., JOHN  
CURTIS, DOUGLAS G. BRYANT, and  
LAWRENCE A. GENOVESI,

Defendants.

CIVIL ACTION NO. 04-10288  
JLT

**SCHEDULING STIPULATION**

WHEREAS, on February 11, 2004, plaintiff Herbert A. Reitzel filed *Herbert A. Reitzel, On Behalf of Himself and All Others Similarly Situated v. Network Engines, Inc., John Curtis, Douglas G. Bryant, and Lawrence A. Genovesi*, Civil Action No. 04-10288 (the "*Reitzel Complaint*"), a putative class action complaint alleging securities fraud; and

WHEREAS, Motions to consolidate the *Reitzel Complaint* with all other existing similar actions and later-filed similar actions, and pursuant to the Private Securities Litigation Reform Act of 1995 (the "Reform Act"), and for the appointment of a lead plaintiff and approval of the retention of lead plaintiff's counsel have been filed in the first filed related action entitled *Morgan v. Network Engines Inc.*, No. 03-cv-12529-JLT;


THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that:

1. Defendants need not respond to the *Reitzel* Complaint, but shall respond to an Amended Consolidated Complaint no later than 60 days after such Amended Consolidated Complaint is served upon Defendants by the Lead Plaintiff, to be appointed by the Court to consolidate the *Reitzel* Complaint with all other existing similar actions and later-filed similar actions in accordance with Section 21D(a)(3) of the Securities Exchange Act of 1934.
2. All pre-trial procedures and obligations set forth under Federal Rules of Civil Procedure 16 and 26(a) and (f), and Local Rule 16.1 are stayed until 30 days after the filing of an answer to the Amended Consolidated Complaint by the last answering Defendant.
3. In the event that any deadline herein falls on a weekend or holiday, that deadline shall be extended to following business day.
4. After appointment of a lead plaintiff pursuant to the Reform Act, service on lead counsel for such plaintiff shall satisfy Defendants' service obligations.

By the Plaintiff's attorneys,

*Signed by John Litwinski with Mr. Hess-Mahan's permission*  
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By the Defendants' attorneys,

  
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Dated: March 17, 2004